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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING MINUTES:</b>	<b>Board of Chiropractic</b>
<b>MEETING DATE AND TIME:</b>	<b>Thursday, March 4, 2010 at 8:30 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room B</b> , second floor of the Cannon Building
<b>MINUTES APPROVED:</b>	

**MEMBERS PRESENT**

Dr. Christopher Baldt, Professional Member, President  
Dr. Arthur Travis, Professional Member, Secretary  
Dr. Brian Chandler, Professional Member (8:30 a.m. – 9:15 a.m.)  
Dr. Shane Palmer, Professional Member  
Jay Galloway, Public Member  
Jill Morrison, Public Member  
Lois Dunning, Public Member

**MEMBERS ABSENT**

None

**DIVISION STAFF/DEPUTY ATTORNEY GENERALS PRESENT**

Patty Davis Oliva, Deputy Attorney General  
Nancy Fields, Administrative Specialist II  
Barbara Gadbois, Deputy Attorney General

**OTHERS PRESENT**

Lorena Harnett, Court Reporter, Wilcox and Fetzer  
Megan R. Barchiesi, D.C.  
Neill Mullen Walsh, Esq.  
Karen Olsen  
Jennifer Olsen  
Joseph Rooney, Jr. D.C.  
Elizabeth Saurman, Esq.  
Robert Reese, D.C.

**CALL TO ORDER**

Dr. Baldt called the meeting to order at 8:32 a.m.

**REVIEW OF MINUTES**

A motion was made by Ms. Morrison, seconded by Dr. Palmer, to approve the February 4, 2010 meeting minutes as presented. The motion was unanimously carried.

## **UNFINISHED BUSINESS**

### **Strategic Plan, Regulatory, and Statute Amendments**

The Board briefly discussed the jurisprudence examination, which was on of the amendment changes. Dr. Baldt asked the members to submit sample questions for review. Ms. Oliva will draft the proposed amendments for review as soon as possible.

### **Final Denial of Application for Donald Johnson**

A motion was made by Dr. Palmer, seconded by Ms. Dunning, to deny Donald Johnson's, D.C. application due to not meeting all of the testing requirements. The motion unanimously carried.

## **NEW BUSINESS**

### **Review of Applications**

The Board reviewed Dr. Chedrick Neal's application for licensure.

A motion was made by Dr. Travis, seconded by Dr. Palmer, to approve Dr. Neal's application contingent upon passing the physiotherapy part of the exam. The motion unanimously carried.

The Board reviewed Dr. Megan R. Barchiesi's application for licensure.

A motion was made by Dr. Travis, seconded by Ms. Morrison, to approve Dr. Barchiesi's application with no contingencies. The motion unanimously carried.

The Board thanked Dr. Barchiesi for her honesty on her application in disclosing a pending complaint, which would not bar licensure. However, she is obligated to notify the Board of any issues regarding the complaint.

### **Continuing Education Review and Approval**

A motion was made by Dr. Palmer, seconded by Mr. Galloway, to accept the hours of the following continuing education courses as approved by the Board:

#### **Palmer College of Chiropractic**

Advanced Nutrition Principles, Interventions & Nutraceutical Applications, 13 hours

#### **Logan College of Chiropractic**

2010 Logan College Alumni Association Homecoming, 28 hours

Dr. Brimhall's 6 Steps to Wellness Protocol/How to Clone a Successful Wellness Practice, 12 hours

#### **Garden State Chiropractic Society**

GSCS Convention 2010, 12 hours

#### **Southern California University of Health Sciences**

Whiplash injury Biomechanics and Traumatology 2010, 12 hours per module

Chronic Manifestations for Cervical Spine Injury, 21 hours

Advanced Insurance Seminar 2010, 8 hours

Life Chiropractic College West

The Masters Circle-Together We're Better Than Ever, 12 hours  
Contact Reflex Analysis: Position Yourself for Success, 12 hours

Parker College of Chiropractic

Parker Seminar – Montreal 2010, 18 hours

Texas Chiropractic College

Mastering the Natural Healing at Sea, 12 hours  
Nutritional Support for the Body Systems, 12 hours

Sherman College of Chiropractic

The Science Behind Chiropractic & Vertebral Subluxation, Identify Subluxation Problems in Patients & Correction, 8 hours  
Advanced Orthospinology, 19 hours  
Basic Care Intensive, 18 hours

New York Chiropractic College

Documentation, Guidelines for the Chiropractic Practice, 2 hours

Florida Chiropractic Association, Inc.

FCA Spring Convention and Exposition 2010, 89 hours

University of Bridgeport College of Chiropractic

Soft Tissue Symposium: Addressing the Muscular Component of Musculoskeletal Pain, 14 hours  
Keys to Healthy Aging, 8 hours

Northwestern Health Sciences University

Advance Laserology, 12 hours  
Basic Laserology, 12 hours

Delaware Chiropractic Society/Delaware Chiropractic Services

Dr. Mally's Techniques for the Magnificent 7, 12 hours

The motion unanimously carried.

**CORRESPONDENCE**

None

**OTHER BUSINESS BEFORE THE BOARD** (for discussion only)

A member stated that he received an inquiry asking who can employ Chiropractors. Dr. Baldt advised that there are not any restrictions however, they cannot hold themselves out or give the impression that they are a medical doctor if working with medical doctors.

**PUBLIC COMMENT**

None

### **NEXT SCHEDULED MEETING**

The next scheduled meeting will be held on April 1, 2010.

The Board took a recess to prepare for the disciplinary hearing. Dr. Chandler, the Board's Complaint Officer was excused from the hearing and left the premises.

### **Disciplinary Hearing – Complaint # 06-01-09**

The disciplinary hearing for Dr. Joseph Rooney, Jr. D.C. began at 9:27 a.m.

The Board went on the record.

Ms. Oliva introduced herself as counsel for the Board and stated that the purpose of the hearing was to allow the Board to hear the testimonies from all parties and to determine whether Dr. Rooney violated any laws or rules and was guilty of the allegations of unprofessional, unethical, and dishonorable conduct with a female patient. She stated that Dr. Rooney has the opportunity to show cause why his license should not be suspended, revoked, or otherwise disciplined for violating 24 Del.C. § 711 (b) (3) and § 711(b) (12).

The Board members were introduced and Ms. Oliva stated that the Board confirmed that they could be fair and impartial in today's proceedings.

Both parties distribute their exhibits.

Ms. Saurman, attorney for Dr. Rooney, advised that she had preliminary matters to discuss with the Board before commencing.

The Board went off the record.

After hearing two of the three preliminary requests, the Board was asked to make a ruling on whether to go forward or dismiss the hearing. The Board agreed unanimously to continue with the hearing.

Ms. Saurman's third request was to dismiss the case due to not having an expert witness regarding the protocol of a Chiropractors education. Ms. Gadbois advised that the state would strike paragraph number 9 from the complaint relating to this issue. Both parties agreed to wait until the end of the hearing to rule on the motion to dismiss the case until it was determined if an expert witness was actually required.

The Board went back on the record.

Opening statements were given by both Ms Gadbois and Ms Saurman.

Ms. Gadbois called her first witness, Jennifer Olsen, the daughter of the complainant. Ms. Olsen was cross-examined by Ms. Saurman and answered questions from the Board.

Ms. Saurman called her first witness, Dr. Robert Reese, D.C., the complainant's regular Chiropractor. Dr. Reese was cross-examined by Ms. Gadbois and answered questions from the Board.

Ms. Gadbois called her next witness, Ms. Karen Olsen, the complainant. Ms. Olsen gave detailed testimony of the events, which led to her formal complaint about the licensee. She was cross-examined by Ms. Saurman and answered questions from the Board.

Ms. Saurman called her next witness Dr. Joseph Rooney, the respondent. He gave testimony, was cross-examined by Ms. Gadbois, and answered questions from the Board.

Ms. Gadbois and Ms. Saurman gave their closing arguments.

The Board discussed the Ms. Saurman's third preliminary request and determined that an expert witness was not required and her request to dismiss the case was denied.

The Board went off the record for deliberations.

The Board went back on the record.

By unanimous consensus, the Board found that Dr. Rooney was guilty of unprofessional, dishonorable, and/or unethical conduct to likely to harm a patient. In addition, the Board found that he is also guilty of misconduct and/or incompetence in the practice of Chiropractic.

After the Board made their decisions regarding the current complaint, Ms. Gadbois introduced a Board order from 1995 from Superior Court, and a 2004 Board Order from the Board of Chiropractic, in which Dr. Rooney had received Board disciplines for similar issues. After hearing the details of the previous hearings and closing arguments from the attorneys, the Board went off the record for deliberations.

The Board went back on the record.

A motion was made by Dr. Baldt, seconded by Dr. Travis, that the Board finds Dr. Joseph Rooney, Jr. guilty of the allegations of the complaint and that effective upon signing of the Decision and Order, his license will be revoked. The motion unanimously carried.

### **ADJOURNMENT**

There being no further business before the Board, a motion was made by Dr. Baldt, seconded by Dr. Palmer, to adjourn the meeting. The motion unanimously carried. The meeting was adjourned at 8:57 p.m.

Respectfully submitted,



Nancy Fields  
Administrative Specialist II